



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

May 16, 2023

**By ECF**

The Honorable Paul A. Engelmayer  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: *D.J.C.V., et al. v. United States of America*, No. 20 Civ. 5747 (PAE)

Dear Judge Engelmayer:

This Office represents defendant United States of America (the "Government") in the above-referenced action brought under the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671 *et seq.* With Plaintiffs' consent, we write respectfully to request a two-week extension of the deadline for the parties' opening jurisdictional briefs, from May 18, 2023, to June 1, 2023. This extension is necessary due to competing demands on the Government's resources and personnel, including recent developments at the Southwest border, which have impacted the timing of the Government's preparation and review of its upcoming filings.

The parties completed jurisdictional discovery on March 29, 2023, and are now engaged in briefing the issue of whether sovereign immunity precludes adjudication of Plaintiffs' FTCA claims. See ECF Nos. 127, 166. On May 4, 2023, the parties filed a joint statement of undisputed facts in anticipation of their briefing on the jurisdictional issue. See ECF No. 176. The parties' opening jurisdictional briefs are currently due on May 18, 2023, and responsive briefs are due on June 9, 2023. See ECF No. 174.

The Government has been working to meet this week's briefing deadline, however, there is a lengthy internal review process that the Government must complete before filing its papers, as several Government stakeholders require an opportunity to review the upcoming briefs, including the Department of Homeland Security, the Department of Justice, and the Department of Health and Human Services. In addition, the recent expiration of Title 42, a pandemic-era policy, has led to increased operational needs at the Southwest border, which has impacted a number of key Government witnesses and other individuals who require an opportunity to review the Government's anticipated filings.

Due to these circumstances, the Government unfortunately will not be in a position to meet this week's briefing deadline. Accordingly, the Government respectfully requests, with Plaintiffs' consent, a two-week extension of the opening brief deadline from May 18 to June 1, 2023, with a concomitant two-week extension of the deadline for responsive briefs from June 9 to June 23, 2023. Oral argument, which is currently scheduled for June 29, 2023, at 10 a.m.,

need not be affected, but if the Court wishes to adjourn that date the parties will make themselves available at the Court's convenience. We thank the Court for its consideration.

Respectfully,

DAMIAN WILLIAMS  
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cc: Plaintiffs' counsel (by ECF)

Granted, but there will be no further extensions. Oral argument is rescheduled to July 6, 2023 at 10 a.m.  
SO ORDERED.



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PAUL A. ENGELMAYER  
United States District Judge  
May 16, 2023